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**BILL JONES**

Secretary of State
State of California

EXECUTIVE OFFICE

1500 11th Street, 6th Floor
Sacramento, CA 95814
P.O. Box 944260
Sacramento, CA 94244-2600
(916) 653-7244
(916) 653-4620 FAX
Internet address: ss.ca.gov

**TESTIMONY OF THE HONORABLE BILL JONES
CALIFORNIA SECRETARY OF STATE**

**SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ENERGY AND COMMERCE
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Mr. Chairman and members of the Committee, I want to thank you for the opportunity to submit testimony to you for your review and consideration as you evaluate the news media's early projections in the November 7, 2000, presidential election.

As I review the events of November 7th, clearly, network and cable television were premature in their rush to call at least one pivotal state (Florida) and one U.S. Senate race (Washington) on Election Night, only to back off of those verdicts before signing off the air the next day. This "rush to judgement" was not only irresponsible it was a terrible waste. The closest election in 40 years could have been the starting point for a new generation of voters discovering the virtues of civics.

I can't help but feel personal dismay, as my job is to improve voter turnout and re-instill confidence in our voting process. In fact, as we moved closer to Election Day, we also moved closer to my goal of 100 percent participation by all eligible Californians when we announced the highest number of registered voters ever in California – more than 15.7 million. A record 3.2 million requests for absentee ballots and the closeness of the contest at the top of the ticket also helped to set the stage for what we knew could be a record-high level of voter turnout.

Ironically, thanks to the great job the media did across the country, our voters were armed with information about the electoral college, what states were "must wins" for which candidates and were ready to make their voices heard. That's why on Election Night, the media's premature announcements had such a detrimental effect on our voters in the West – as we knew they would. One wonders if those voters will return to the polls in the next election. If they don't, they are the real losers in this controversy – not the candidates.

How then should a voter vent his or her frustration? Taking it out on the media is not a lasting solution, although I do believe that voters upset by the events of Election Night should tell the networks how they feel. But instead of engaging in media bashing let's find a creative means of preventing the media from making the same mistake it makes most election years.

Yes, the networks were guilty of malpractice on Election Night. How could the news media ethically project a winner in Florida when the polls were still open in parts of the state where voting was still taking place? It's unconscionable. Additionally, because there was a two-hour gap between the time the five major networks first called Florida for Vice President Gore until it was returned to the undecided column, voting in that state and elsewhere in America may have been unduly affected. Consider those Californians, stuck in rush hour traffic between 4:50 p.m. and 7:15 p.m. on the West Coast, when Florida was a "decided" state. Those would-be voters were subjected to the impression of a looming Gore victory – in part, because of the early and wrong results in Florida. Republicans may have bothered not to vote, feeling the cause was lost; the same could be true of those Democrats who may have skipped voting because they felt the election was already in the bag for Al Gore.

This issue of early projections based on exit polling and the devastating effect it has on voters in the Western United States is one I have wrestled with since taking office in 1995. In California this is a critical and nonpartisan issue – and has been for more than two decades. And the voters surveyed over the years agree. Consider the following data:

- A University of Michigan study conducted after the 1980 presidential election found that after early projections (5:15pm P.S.T.) of a Ronald Reagan victory, the possibility of voters going to the polls decreased by 6 percent in the East, by 9 percent in the South, and 12 percent in both the Midwest and the West. The study also found that among those who had not yet voted, Republican turnout dropped by 17 percent and Democratic turnout dropped by 13 percent on the West Coast after hearing the projections.
- In a poll conducted by the Field Institute entitled "Attitudes Toward Media Coverage of the November 1980 Presidential Election" 10 percent of those surveyed who indicated they were registered but did not vote specifically blamed their failure to vote on the early network projections.
- After the 1984 election, the Committee for the Study of the American Electorate found that after the networks announced (5:02pm P.S.T.) Ronald Reagan's reelection that nearly 80 percent of states whose polls were still open suffered declines in voter turnout. According to the report, the majority of

states whose polls closed before the network announcements benefited from an increase in voter turnout.

During my first presidential election as California's Secretary of State in 1996, I was successful at getting several of my fellow Western States Secretaries of State to join me in taking a run at the networks to refrain from projecting winners based on exit polling. An effort that yielded little cooperation from the networks, but precipitated strong sentiment among Californians as I was repeatedly stopped in airports, restaurants and at public events by voters who told me to "keep up the fight; don't let them call elections until we've voted." While it's always rewarding to hear one's constituents agree on policy positions, I was looking for a little more agreement from the networks.

That's why in 1998 I approached the bipartisan National Association of Secretaries of State to enlist their support for this effort. As fellow elected officials, I think you'll agree that to get 100 percent of your membership to agree on any policy is a major accomplishment – and that's what we were able to achieve. In 1998, all 50 of America's Secretaries of State (including those states where the election duties are carried out by their lieutenant governors) endorsed the policy and requested that the news organizations refrain from calling elections until we – the chief elections officers – report the results.

How, then, to prevent this from repeating itself in the 2004 election? It just so happens that I offered a solution to the five major news networks (ABC, CBS, CNN, Fox, NBC) when I spoke with them by phone and in writing on Friday, November 3rd, just a few days before this year's Election Night events occurred. (*NOTE: Attached for Committee review are the 1996, 1998 and 2000 letters to the networks.*) In each contact with the news executives our request has been the same: rather than jumping to faulty conclusions based on the "fuzzy math" of exit polls, we believe it's incumbent upon the news media to stop treating projected results of votes in East Coast states as actual results – not when some polls are still open back East, certainly not when voting is reaching its second peak out West. Let the nation's Secretaries of State declare the winners, then let the media report the news. This would avoid future debacles like Florida, where a mere 1,500-vote sampling has thrown this nation in political tumult.

The good news is that the networks are not out-and-out opposed to this proposed reform of their Election Night coverage. In my pre-election discussions with the networks' executives, Roger Ailes, chairman and chief executive of Fox News, agreed that early projections based on preliminary exit polling data from the eastern states can have a negative effect on turnout in the West. As a veteran of presidential campaigns, he speaks from experience. Mr. Ailes indicated his willingness to have Fox New hold off on making such projections, on the condition that all networks played by the same rules. Unfortunately, when the other four networks rejected my overture, any possible agreement fell apart. Television is a competitive practice, and no network will agree to

“disarm,” if you will, and not rely on exit polls when the other networks refuse to act with the same restraint.

And that’s the key word here: restraint. With more Americans turning to television as the preferred medium for making political decisions, the pressure increases on the major news networks to rise above the partisan fray.

- **Coverage from the campaign trail has to be balanced and objective.**
- **Coverage on Election Night has to rely on two tenets:**
 - 1) **Are we certain of what we are about to report?**
 - 2) **Will what we’re about to report unfairly change the night’s outcome?**

Another potential solution may rest with the Secretaries of State. If the networks refuse to exercise the necessary restraint, one recommendation recently suggested would have the nation’s Secretaries of State hold actual presidential election results until 7:00 p.m. or 7:30 p.m. P.S.T. in order to avoid any impact on voter turnout in the Western United States.

The networks have a choice: they can take the Secretaries’ of States offer and try to restore a sense of fairness and balance to their Election Night coverage, or they can continue to do things their way. I hope they pay close heed to what the voters are telling them because they are clear on this issue. According to a recent survey by The Pew Research Center for the People and the Press, 52 percent of respondents felt that the early projection that Vice President Gore won the state of Florida had an effect on other voters. More significant, however, is that an overwhelming 87 percent of respondents indicated that the news media should wait until votes are counted before announcing winners. To borrow a line from the movie *Network*, “voters are mad as hell and they’re not going to take it anymore.”

This is not an insurmountable challenge for the networks, and it’s obvious that some type of good-will gesture is needed. Indeed, I’m encouraged by some recent reports by the networks that they will adapt their procedures for their election night reporting. Too many voters have emerged from this election with serious doubts as to whether the media is an asset or a liability to the voting process. Ironically, in this Information Age, they doubt the very information before them on their TV screens. The offer is still on the table: in the next election, leave the vote counting to the Secretaries of State, leave the announcing of results to the networks, and we won’t have the same retractions.

I look forward to working on this problem together and remain committed to implementing sound solutions that will empower our voters to participate and have confidence in the integrity of our election process -- from the first vote cast to the last vote counted.

VOTER TURNOUT BY HOUR

| November 7, 2000 Election | | | |
|---|----------------|-----------|--------------------------|
| <i>Participating/Reporting Counties:</i> Alameda, Fresno, Kern, Lassen, Marin, Napa, Sacramento, San Luis Obispo, Santa Clara, Sierra, Siskiyou, Solano, Tulare | | | |
| Time | Total per Hour | % by hour | % less than busiest time |
| 7-8am | 142,507 | 9.90% | 1.24% |
| 8-9am | 131,466 | 9.13% | 2.00% |
| 9-10am | 120,605 | 8.38% | 2.76% |
| 10-11am | 104,160 | 7.24% | 3.90% |
| 11-12noon | 94,864 | 6.59% | 4.55% |
| 12-1pm | 79,039 | 5.49% | 5.65% |
| 1-2pm | 74,886 | 5.20% | 5.94% |
| 2-3pm | 75,417 | 5.24% | 5.90% |
| 3-4pm | 92,445 | 6.42% | 4.72% |
| 4-5pm | 133,131 | 9.25% | 1.89% |
| 5-6pm | 160,328 | 11.14% | -- |
| 6-7pm | 144,337 | 10.03% | 1.11% |
| 7-8pm | 86,349 | 6.00% | 5.14% |
| Total | 1,439,534 | 100.00% | |

Voter Turnout by Hour November 7, 2000

